

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**DAVID SALMON, ANGELA LANDERS,  
BILLY TATE, AND PAULA BYRUM,  
*each individually and on behalf of  
all other similarly situated***

**PLAINTIFFS**

v.

**CASE NO. 4:19-CV-00768-BSM**

**XTO ENERGY INC**

**DEFENDANT**

**ORDER**

The parties' joint motion for approval of liability settlement and dismissal [Doc. No. 114] is granted, and this case is dismissed with prejudice.

The parties have settled plaintiffs' Fair Labor Standards Act ("FLSA") and Arkansas Minimum Wage Act ("AMWA") claims against defendant XTO Energy, Inc., and now seek approval of the proposed settlement agreement and dismissal. Because both the FLSA and AMWA impose the same overtime requirements, they are analyzed similarly. *See Arkansas Dep't of Veterans Affairs v. Okeke*, 466 S.W.3d 399, 403 (Ark. 2015). To approve a settlement in an FLSA case, the court must ensure that the parties are not negotiating around the FLSA's requirements and that the settlement agreement represents a fair and reasonable resolution of a bona fide dispute. *Cruthis v. Vision's*, 2014 WL 4092325, at \*1 (E.D. Ark. Aug. 19, 2014).

The parties' proposed agreement and the entire record herein indicate the parties are not attempting to negotiate around the FLSA's requirements, and plaintiffs' recovery is fair and reasonable and furthers the goals of the FLSA. Further, the attorneys' fees and costs are

not yet agreed upon and will be negotiated after approval of settlement of plaintiffs' claims. The settlement is therefore approved and this case is dismissed with prejudice. Jurisdiction is retained to enforce the terms of the agreement and decide the issue of attorneys' fees and costs.

IT IS SO ORDERED this 10th day of March, 2023.

Brian S. Miller  
UNITED STATES DISTRICT JUDGE